

Pro Se General Complaint for a Civil Case (Rev. 10/16)

United States District Court
for the
NORTHERN DISTRICT OF ALABAMA

700 MAR 26 P 4 16
U.S. DISTRICT COURT
N.D. OF ALABAMA

Plaintiff*(Write your full name. No more than one plaintiff may be named in a pro se complaint)*

Christopher Todd Ruggieri

v.The City of Hoover
Melinda James Lopez
Mesha Dacus**4:18-cv-00476-KOB**

Case No.:

*(to be filled in by the Clerk's Office)*JURY TRIAL ☐ Yes ☒ No**Defendant(s)***(Write the full name of each defendant who is being sued. If the names of all defendants cannot fit in the space above or on page 2, please write "see attached" in the space and attach an additional page with the full list of names)***COMPLAINT FOR A CIVIL CASE****I. The Parties to This Complaint****A. The Plaintiff**Name Christopher Todd RuggieriStreet Address 114 Clear Creek LaneCity and County Ashville St. Clair CountyState and Zip Code Alabama 35953Telephone Number 2055944302**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization or a corporation. If you are suing an individual in his/her official capacity, include the person's job or title. Attach additional pages if needed.

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Defendant No. 1

Name The City of Hoover

Job or Title _____

Street Address 100 Municipal Drive

City and County Hoover Shelby and Jefferson Counties

State and Zip Code Alabama 35216

Defendant No. 2

Name Melinda James Lopez

Job or Title Chief Financial and Information Officer - City of Hoover

Street Address 100 Municipal Drive

City and County Hoover Shelby and Jefferson Counties

State and Zip Code Alabama 35216

Defendant No. 3

Name Mesha Dacus

Job or Title Assistant Human Resources Director - City of Hoover

Street Address 100 Municipal Drive

City and County Hoover Shelby and Jefferson Counties

State and Zip Code Alabama 35216

Defendant No. 4

Name _____

Job or Title _____

Street Address _____

City and County _____

State and Zip Code _____

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Defendant No. 5

Name _____

Job or Title _____

Street Address _____

City and County _____

State and Zip Code _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only these types of cases can be heard in federal court: a dispute that involves a right in the United States Constitution or a federal law (as opposed to a state law or local ordinance); a dispute that involves the United States of America (or any of its agencies, officers or employees in their official capacities) as a party; and a dispute between citizens of different states with an amount in controversy that is more than \$75,000.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Constitutional or Federal Question ☐ USA Defendant ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction is USA defendant

The Defendant(s)

Name of Agency _____

Address _____

B. If the Basis for Jurisdiction is a Constitutional or Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

The Americans with Disabilities Act - Title 42 U.S.C. § 12112(d)(4)(A)

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C. If the Basis for Jurisdiction is Diversity of Citizenship

1. The Plaintiff

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the
State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under
the laws of the State of *(name)* _____, and has its
principal place of business in the State of *(name)* _____.

Or is incorporated under the laws of *(foreign nation)*
_____, and has its principal place of
business in *(name)* _____.

*(If more than one defendant is named in the complaint, attach an additional
page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy – the amount the plaintiff claims the defendant
owes or the amount that is at state – is more than \$75,000, not counting
interest and costs of court, because: *(explain)*

III. Statement of Claim

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Write a short and plain statement of the claim. Briefly state the facts showing that the plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See Attached Appendix 1

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks for the court to order. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive (punishment) or exemplary (warning or deterrent) damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Damages totaling \$100,000 after taxes, All court fees paid, and a gag order or NDA

on the individuals involved from the City of Hoover from speaking about me in any way.

As an Information Security Professional, my professional image and reputation are everything forcing me into this counseling has damaged that reputation. I have learned from other members of Information Security groups in the Birmingham area that the situation has been discussed both within and outside the City of Hoover's purview.

V. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint; (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in dismissal of my case.

First Name Christopher Last Name Ruggieri

Mailing Address 114 Clear Creek Lane

City and State Ashville Alabama Zip Code 35953

Telephone Number 2055944302

E-mail Address cruggieri@phoenix-comp.com

Signature of plaintiff 

Date signed 3/26/18

****OPTIONAL****

You may request to receive electronic notifications. You may not file documents or communicate with the court electronically. All documents must be submitted in paper and you must serve the defendants.

Type of personal computer and related software/equipment required:

- Personal computer running a standard platform such as Windows or Mac OSX
- Internet access (high speed is recommended)
- A Web browser (Microsoft Internet Explorer 7.0 or 6.0 or Mozilla Firefox 2 or 1.5)
- Adobe Acrobat Reader is needed for viewing e-filed documents
- PACER account – Information and registration at www.pacer.gov

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- You will receive one “free” look of the document. Documents must be viewed within 14 days. You must only single-click on the hyperlink to view.

Note: You must promptly notice the Clerk’s Office, in writing, if there is a change in your designated e-mail address. Failure to update your email address does not excuse failures to appear or timely respond.

E-mail type:

- ☒ HTML – Recommended for most e-mail clients
☐ Plain Text – Recommended for e-mail accounts unable to process HTML e-mail

Conditioned upon the sufficiency of your electronic equipment which the court will test and verify receipt, you will be allowed to receive electronic notifications.

By submitting this request, the undersigned consents to electronic service and waives the right to personal service and service by first class mail pursuant to Rule 5(b)(2) of the Federal Rules of Civil Procedure, except with regard to service of a summons and complaint.


When a filing is entered on the case docket, a party who is registered for electronic noticing will receive a Notice of Electronic Filing in his/her designated e-mail account. The Notice will allow one free look at the document, and any attached .pdf may be printed or saved.

IMPORTANT:

Messages sent to Yahoo or AOL accounts are frequently found in the spam folder until the court is added to your address book.

E-mail address designated for noticing:

cruggieri@phoenix-comp.com

Participant signature: 

Date: 3/26/18

Appendix 1 - Complaint

On July 7th, 2017, Melinda James Lopez and Mesha Dacus, in dispensing with their offices as employees of the City of Hoover, demanded that I undergo psychiatric counseling. Title 42 U.S.C. § 12112(d)(4)(A) prohibits employers from “requir[ing] a medical examination” or “mak[ing] inquiries of an employee as to whether such employee is an individual with a disability . unless such examination or inquiry is shown to be job-related and consistent with business necessity.” I was recording the conversation in which I was instructed to undergo counseling. During the conversation, it was indicated that the requirement for this counseling was not derived from or had a bearing upon my job performance. No other member of my department, Information Technology, was required to undergo counseling. The City of Hoover, Melinda James Lopez, and Mesha Dacus violated this statute. Emily Kroll vs. White Lake Ambulance Authority in the 6th Circuit Court Docket Number 10-2348 created the precedent that counseling by a licensed psychiatrist or psychologist is “requiring medical testing and falls under 42 U.S.C. § 12112(d)(4)(A)”. The therapist in this instance was Dr. Lita Clark, a licensed Clinical Psychologist in the Birmingham Area. Furthermore, I also recorded my sessions with the therapist. During the second such session, it was indicated by the therapist, Dr. Lita Clark, that the City of Hoover, through Mesha Dacus, was requiring me to waive my HIPPA rights. Dr. Clark instructed me that if I refused then the sessions would terminate and the City would terminate my employment. After the third session, I was released from counseling with Dr. Clark stating there was nothing wrong with me. I brought my concerns over why I was sent to counseling in the first place to Mesha Dacus, the City of Hoover Assistant HR Director the same day of my release. Less than a week later, I am called into Melinda James Lopez’s office again, told my fears were unfounded, but that I am now forbidden from recording any further communications. My complaint is the violation of ADA, the violation of my HIPPA rights, and the complete targeting that I suffered under my employment with the City of Hoover. I am seeking damages totaling \$100,000 after taxes and legal fees and a gag order/NDA on the individuals involved from the City of Hoover from speaking about me in any way.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Christopher T. Ruggieri
114 Clear Creek Lane
Ashville, AL 35953

From: Birmingham District Office
Ridge Park Place
1130 22nd Street
Birmingham, AL 35205



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

420-2018-00819

Glenda J. Muldrow,
Investigator

(205) 212-2138

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

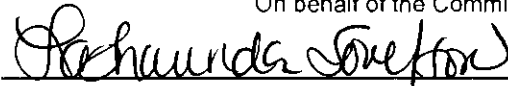
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

JAN 03 2018



Enclosures(s)

Delner Franklin-Thomas,
District Director

(Date Mailed)

cc: City of Hoover
Mr. Mike Lewis
Human Resources Director
100 Municipal Drive
Hoover, AL 35216

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.